

## REMARKS/ARGUMENTS

### **1. Claim Amendments**

The Applicant has amended claims 1, 3, 5-6, 7-11, 17-18, 20, 22 and 25-28 and claim 19 has been canceled. Accordingly, claims 1-18 and 20-28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2. Claim Rejections – 35 U.S.C. §101**

The Examiner rejected claims 1-13, 18-19, 25-28 on the asserted basis that those claims are directed to non-statutory subject matter. Claims 1, 3, 5-6, 7-11, 18, and 25-28 have been amended and are now directed to statutory subject matter. The remaining claims depend, directly or indirectly from claims that have been amended to overcome the rejection. Claim 19 has been canceled rendering the rejection with respect to that claim moot.

### **3. Claim Rejections – 35 U.S.C. § 102(b)**

Claims 1-5, 7-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tseng, et al. (US 6172974). The Applicants have cancelled claim 19 rendering the rejection of that claim moot. The Applicants have amended independent claims 1 and 20 to more clearly distinguish the present invention from Tseng. Specifically, Tseng does not disclose the pertinent elements of:

receiving by the first transcoder...in a first initial request...information...*including the version of the bypassing protocol* supported by the respective transcoder; and,

transmitting by the first transcoder...in a second initial request to bypass transcoding operations, information...about the encoding capabilities *including the version of a bypassing protocol*...to enable...a change of the encoding format currently in use *prior to initiating the bypassing of the transcoding operations*.

Tseng does not disclose information about an encoding format currently in use by the second terminal on the distant side rather, Tseng exchanges transcoding capability information. For the same reason, Tseng does not disclose information about an encoding format currently in use by the first terminal on the local side and about encoding capabilities of first terminal on the local side. Tseng does not disclose information about the encoding capabilities including a version of a bypassing protocol supported by the respective transcoder as Tseng does not mention a version of a TFO protocol at all. Finally, Tseng cannot enable a terminal on one or on both sides to change the encoding format currently in use prior to initiating the bypassing of the transcoding operations as the method of Tseng effects a disabling of network cancellers, not an enabling of an encoding format currently in use. The foregoing is clear from the following passages from Tseng, col. 5, line 62 to col. 6 line 5:

The present invention is an elegant approach to achieve tandem free operation by providing *cross transcoding* when the vocoders of the particular terminal elements or network access elements are not identical, and providing transcoding when the vocoders of the terminal elements or network access elements are identical, for example, both operate in GSM. Finally, the present invention allows the conventional tandemed vocoding when the vocoders of the terminal elements or network access elements are truly incompatible, and tandemed vocoding is necessary.

#### 4. **Claim Rejections – 35 U.S.C. § 103 (a)**

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tseng, et al. (US 6172974) in view of Shaffer, et al. (US 6324409). Claim 6 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claim 6 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Date: July 17, 2009

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